

## MINUTES OF REGULAR MEETING June 20, 2012

**1. CALL TO ORDER**

Mayor Bischoff opened the meeting at 7:06 p.m.

- 2. “Sunshine Law” Announcement:** Adequate notice of this public meeting has been provided by annual notice published in the Hunterdon Democrat on January 12, 2012 and The Courier News on January 13, 2012; posted on the Municipal public bulletin board in the Municipal Building and remain continuously posted as the required notices under the Statutes; posted on the Union Township website, and on file in the Municipal Clerk’s Office.

**3. FLAG SALUTE**

- 4. ROLL CALL**     Present: Mr. Mazza, Mr. Hirt, Ms. McBride, Mr. Bischoff  
                          Absent: Mr. Severino  
                          Others Present: J. Peter Jost, Esq., Ella Ruta Clerk, Bob Clerico, PE

**5. APPROVAL OF PRIOR MEETING MINUTES**

- a. Regular Executive Session Meeting Minutes of June 6, 2012.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino						X
Mr. Mazza	X		X			
Mr. Hirt		X	X			
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried

**6. VISITORS****7. REPORTS RECEIVED**

- a. Dept of Roads & Facilities – Week Ending 6/08/12; 6/15/12. Ms. McBride requested that the recycling item on the 6/8 report be discussed in the Executive Session under potential litigation.
- b. Zoning Officer – May 2012
- c. Engineer’s Report
- Hoffman Park phase 1 the signed contracts with ATG were distributed. We had a site meeting with them on Monday 6/11, Ms. McBride, the DR&F Foreman, and the contractors. We went through various sites, looked at the onsite septic systems and went through the checklist that the Township has to provide to the contractor through the DCA. There was further discussion of the work in progress. Update of phase 2 documents that the Attorney will review. Engineer will contact D&L concerning abandoning/closing of well at the Hoffman property.
  - Perryville Road guard rail. Update of work. Anticipate completion by end of August.

**8. CORRESPONDENCE/WRITTEN COMMUNICATIONS**

Mr. Mazza mentioned the following correspondence: None

Mr. Hirt mentioned the following correspondence: None

**At about 7:10 p.m. Mr. Clerico left the meeting**

Ms. McBride mentioned the following correspondence:

- NJ Legislature re: OPRA and OPMA Bills and Mayor's Advisory re: Amendments to the Open Public Records & Open Public Meeting Act. Ms. McBride asked the Clerk to review this correspondence and let her know if this alleviates any of her concerns about these bills. The Committee has already passed a resolution against the proposed legislation. Brief discussion.

Mr. Bischoff mentioned the following correspondence:

- Mayor's Advisory re: Housing Trust Fund Should Be Kept and Used Locally. A brief update of the State Supreme Court's lack of progress.
- Mayor's Advisory re: Affordable Housing Trust Funds Court Denies Administration Stay.

**9. PUBLIC COMMENTS****10. OLD BUSINESS****11. PUBLIC HEARING****12. NEW ORDINANCE – 1<sup>ST</sup> Reading****OUT OF AGENDA ORDER**Committee Reports

Frank Mazza reported the following:

- Off tract contributions money that the CFO lists, how does the Committee know what funds are available? The Clerk offered to ask CFO Brennan to print a copy of the list. Mayor gave Mr. Mazza an overview of the off tract contributions process.
- What happens to the developer as the escrow starts to go down? Mayor explained the procedure stating that if the escrow amount drops below a certain amount CFO Brennan sends a letter automatically to the applicant asking to immediately replenish the account.

**RETURN TO AGENDA ORDER****13. NEW BUSINESS**

- a. The following resolution was introduced for adoption:

**RESOLUTION #2012 – 106  
TOWNSHIP OF UNION, HUNTERDON  
EQUAL DISTRIBUTION OF STATE AID FOR EDUCATION**

**WHEREAS**, the Township of Union, Hunterdon County believes that every child should have equal resources of state aid distributed by the legislature for an education in the State of New Jersey by utilizing a fair school funding mechanism; and

**WHEREAS**, the current distribution of state aid for education to the schools has not been distributed in a fair and equitable manner to provide property tax relief to all the citizens of the State of New Jersey; and

**WHEREAS**, Article III, Paragraph 1, of the New Jersey State Constitution states, "The powers of government shall be divided among three distinct branches, the legislative, executive, and judicial. No person or persons

belonging to or constituting one branch shall exercise any of the powers properly belonging to either of the others, except as expressly provided in this Constitution;” and

**WHEREAS**, Article VIII, Section IV, Paragraph 1, of the New Jersey State Constitution states, “the Legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all children in the State between the ages of five and eighteen years;” and

**WHEREAS**, Article VIII, Section IV, Paragraph 2, of the New Jersey State Constitution states, “the fund for the support of free public schools . . . shall be annually appropriated to the support of free public schools, and for the equal benefit of all the people of this State;” and

**WHEREAS**, Article VIII, Section I, Paragraph 7.a. of the New Jersey State Constitution states, the income tax is to be “annually appropriated . . . exclusively for the purpose of reducing or offsetting property taxes;” and

**WHEREAS**, this body can no longer bear the burden of the continued diversion of its fair share of state school aid for the students between the ages of five and eighteen years of age who reside within this jurisdiction.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township of Union, Hunterdon County do hereby call upon the Legislature of the State of New Jersey to fulfill its constitutionally assigned duty to distribute the state aid for education to the school districts in this state in a fair manner that is for the equal benefit of all the people of the state and not by means that are prejudiced by the actions of special interests that may have been presented before the Court or other venue.

**BE IT FURTHER RESOLVED**, that the Clerk of this entity is hereby directed to forward a copy of this resolution to Governor Chris Christie, Senate President Stephen Sweeney, Senate Minority Leader Thomas Kean Jr., Assembly Speaker Sheila Oliver and Assembly Minority Leader Jon M. Bramnick, State Senator Doherty, Assemblymen DiMaio and Peterson.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino						X
Mr. Mazza		X	X			
Mr. Hirt			X			
Ms. McBride	X		X			
Mr. Bischoff			X			

Motion carried

b. The following resolution was introduced for adoption:

**RESOLUTION #2012 –  
TOWNSHIP OF UNION, HUNTERDON COUNTY  
2012-2013 LIQUOR LICENSE RENEWAL  
APALO INC. t/a PERRYVILLE INN**

**Resolution Tabled**

**Motion:** To approve application for an Interim Permit to allow Perryville Inn to operate temporarily until ABC License can be approved at our next meeting.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino						X
Mr. Mazza		X	X			

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Mr. Hirt			X			
Ms. McBride	X		X			
Mr. Bischoff			X			

Motion carried

- c. **Motion to Approve:** Request by Thomas Baldwin that the Mayor sign a letter to NJ DOT stating no objection for flying hot air balloons.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino						X
Mr. Mazza		X	X			
Mr. Hirt	X		X			
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried

- d. The following resolution was introduced for adoption:

**RESOLUTION #2012 – 107**  
**TOWNSHIP OF UNION, HUNTERDON COUNTY**  
**RESOLUTION AUTHORIZING NORTH HUNTERDON ROTARY CLUB**  
**2012 SKYLANDS TRIATHLON – SEPTEMBER 9, 2012**

**BE IT RESOLVED**, that the Township of Union grants authorization for the North Hunterdon Rotary Club 2012 Skylands Triathlon to utilize Municipal roads for this event subject and conditioned upon the sponsor providing the township with a certificate of insurance naming the Township as an additional insured.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino						X
Mr. Mazza	X		X			
Mr. Hirt			X			
Ms. McBride		X	X			
Mr. Bischoff			X			

Motion carried

- e. **Motion to Approve:** Subordination of Mortgage – Lisa Pytell. Authorize the Mayor and Clerk to sign the appropriate document subordinating the Township's mortgage to the new lenders First Mortgage.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino						X
Mr. Mazza			X			
Mr. Hirt		X	X			
Ms. McBride	X		X			
Mr. Bischoff			X			

Motion carried

- f. **Motion to Approve:** 2012 Agreement – Franklin Fire District No. 1. Tabled

#### 14. REPORTS

a. **Attorney's Report**

- Atty. Jost presented and asked that the following be approved. User fees resolution, State's desire to impose caps on user fees. Model resolution from the League.

**RESOLUTION #2012-108  
UNION TOWNSHIP, HUNTERDON COUNTY  
RESOLUTION OPPOSING S-1914 User Fees**

**WHEREAS**, S-1914, would subject certain “user fees for traditional municipal services” to be included within the 2% cap; and

**WHEREAS**, the definition of “traditional municipal services” in S-1914 is open-ended, leaving municipalities and State regulators unsure on its application and, therefore, unable to properly plan for future years; and

**WHEREAS**, user fees for traditional county and school services would not be subject to any of the provisions of S-1914, although they have a greater impact on the local property tax bill; and

**WHEREAS**, it is at times more appropriate to fund some services by user fees, especially those services for which a recipient and a cost can be clearly and accurately calculated; and

**WHEREAS**, if municipalities are prohibited from charging user fees, they may be forced to discontinue the service, forcing residents to obtain the service from a private provider, often times at a higher cost than the user fee; and

**WHEREAS**, as municipalities struggle to meet the 2% levy cap, without the full effects of the management reforms and the continued diversion of energy receipt taxes, officials are forced to re-examine their budget and priorities; and

**WHEREAS**, in order to deliver the services that their residents expect and want local officials have been making structural changes to their budget, including how programs are funded; and

**WHEREAS**, municipalities must retain the financial flexibility to address their own unique fiscal issues and meet the demands and expectation of their residents;

**NOW, THEREFORE, BE IT RESOLVED**, that the governing body of Township of Union, Hunterdon County, New Jersey strongly urges the legislature to oppose S-1914; and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution be forwarded to the sponsor of S-1914, Senator Sweeney, Assembly Speaker Oliver, State Senator Doherty, Assemblymen DiMaio and Peterson, the New Jersey State League of Municipalities and the Office of the Governor.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino						X
Mr. Mazza		X	X			
Mr. Hirt			X			
Ms. McBride	X		X			
Mr. Bischoff			X			

Motion carried

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- COAH Foreclosure. Letter sent to Stuart Koenig and he will look into it.
- Zoning re: Milligan Farms. Discussion
- Emergency clean up ordinance.

**b. Mayor's Report**

- Quote "Hope is a waking dream. Beauty is the gift of God." Aristotle 384-322 BC.
- New appointment of Coordinator of Aging discussion.
- Boy Scout Jake Porter, letter to DCA re: Exercise Stations at Finn Road Park. DCA requires a letter from Mayor for approval.

**Motion:** To authorize Mayor to sign letter.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino						X
Mr. Mazza		X	X			
Mr. Hirt			X			
Ms. McBride	X		X			
Mr. Bischoff			X			

Motion carried

- Senate Bill 539 sent information to Kevin Ciemi the Mayor of Clinton Township because they share a court and this relates to redistribution of fund revenue on both fines and fees. We should continue to support this because it has a direct affect on us.
- Executive Session item
- Meeting June 13<sup>th</sup> re: Pilot at DOT. Brian Kirkpatrick, Bob Clerico, Peter Jost, Mark Anderson, myself, and the District Commissioner of DOT. Attorneys Jost and Anderson to put out a synopsis of that meeting that will be distributed to the Committee and dot pilot.

**c. Committee Report**

Mr. Mazza reported the following:

- Thanked the State Police for their work on the attempted robbery at the Shell Station.
- Rubber mulch ordinance. Mulch can be ordered after July 11, 2012 when ordinance is in effect.
- Paint estimate for painting Municipal Bldg trim. Mr. Hirt is waiting for estimate.

Mr. Hirt reported the following:

- At Hunterdon County Farmland Preservation Meeting today. Discussion
- Repairs to Municipal Building discussed in Mr. Mazza's report.
- Handicapped entrance never unlocked during the day. Solution is a buzzer on the door to alert when it opens. I will look into it.
- Hurricane announcements on the website and add emergency preparedness for resident information.
- Mr. Bischoff mentioned this in a prior meeting that he received a fax about reverse electric auction. The concept of it is by signing up with this company they can put you into an auction where you can save potentially considerable amounts on your electric bill for this property. We could probably do it for the street lighting in town. The Mayor gave copies of the information to Mr. Hirt to investigate and report back to the Committee.

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Ms. McBride reported the following:

- I put information on our website regarding signing up for the County Emergency Communications Network.
- On Sunday, June 10th I attended a Hunterdon Developmental Center Picnic representing the Township and said a few words.
- June 11th did a site visit to Hoffman Park as Bob Clerico mentioned. We need to get together a purchase order for asbestos monitoring and for the investigation of the septic.
- June 18th met with Kristina Peacock of Princeton Hydro to discuss sustainable NJ grant. Also present was Mr. Hirt and the DR&F Foreman. We have a grant opportunity that expires 7/15/2012. If we want to do this project we have only one meeting before the grant is due. We discussed putting a bioretention basin downhill of the parking lot and we have a maximum of \$20,000.00 for this grant opportunity. After discussing with Dr. Souza it would be far more expensive than the \$20,000.00 grant and referred me back to Nick Zirpko at DEP to work on a 319 grant. Overview of alternate plan using a rain garden that could be done for the \$20,000.00 grant.

**Motion:** To authorize Ms. McBride to investigate with Dr. Souza ANJEC grant for rain garden/bioretention basin.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino						X
Mr. Mazza	X		X			
Mr. Hirt			X			
Ms. McBride		X	X			
Mr. Bischoff			X			

Motion carried

- I submitted documentation to ANJEC for our 2011 grant on June 8<sup>th</sup>, expecting about \$2500.00 back.
- On June 12<sup>th</sup> I sent letter to Jehovah Witnesses regarding possible joint venture .
- Item for Executive Session.
- Mr. Severino and I worked on a dump permit and directory that will be an insert in tax mailing in late July. Agreement that resident show this permit each time they use the mini dump.

**Motion:** Approval to have dump permit/directory printed subject to Mayor's final approval.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino						
Mr. Mazza	X		X			
Mr. Hirt			X			
Ms. McBride		X	X			
Mr. Bischoff			X			

Motion carried

#### d. Clerk's Report

#### 15. PUBLIC COMMENTS – no comments

#### 16. PAYMENT OF BILLS

The approved list of bills and all claims against the Township of Union as appearing in the Claims Register of this date be paid and that all checks listed hereinafter be issued in payment thereof.

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Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino						X
Mr. Mazza	X		X			
Mr. Hirt			X			
Ms. McBride		X	X			
Mr. Bischoff			X			

Motion carried

# 17. EXECUTIVE SESSION – Personnel, Contract Negotiations

## RESOLUTION #2012- 109

### Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12

**WHEREAS**, the Township Committee of the Township of Union is subject to certain requirements of the *Open Public Meetings Act*, N.J.S.A. 10:4-6, et. seq.; and

**WHEREAS**, the *Open Public Meetings Act*, N.J.S.A. 10-4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

**WHEREAS**, it is necessary for the Township Committee of the Township of Union to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

1.            *Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege:* Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is require in order for the attorney to exercise his ethical duties as a lawyer.
2.            *Matters Relating to the Employment Relationship:* Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Union, assembled in Executive session on June 20, 2012, at 8:49 p.m. in the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino						X
Mr. Mazza		X	X			
Mr. Hirt			X			
Ms. McBride	X		X			
Mr. Bischoff			X			



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Motion carried

At about 9:03 p.m. the Committee reconvened into regular session

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino						X
Mr. Mazza	X		X			
Mr. Hirt			X			
Ms. McBride		X	X			
Mr. Bischoff			X			

Motion carried

**Action Taken following Executive Session:**

**Motion to approve** an application of a member of the Pattenburg Volunteer Fire Company to withdraw a certain amount of money from his Length of Service Award Program (LOSAP) account because of financial hardship. Atty. Jost said that the application requires a motion by the Committee to permit the CFO to take whatever action is necessary subject to verification of eligibility.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino						X
Mr. Mazza	X		X			
Mr. Hirt			X			
Ms. McBride		X	X			
Mr. Bischoff			X			

Motion carried

**ADJOURNMENT** - There being no further business to come before the Township Committee at this time, Mr. Hirt made a motion to adjourn. Ms. McBride seconded the motion. Motion carried by unanimous favorable roll call vote.

Meeting adjourned at approximately 9:04 p.m.

Respectfully submitted,

\_\_\_\_\_  
Ella M. Ruta, RMC

\_\_\_\_\_  
William F. Bischoff, Mayor

Prepared by: Pat Essig, Administrative Assistant